

## **REMARKS**

Initially, the examiner states in point 7 of the Office Action that the application currently names joint inventors. This is not true. The only inventor is Mr. Yuh-Jye Uang.

The claims of this application have been substantially amended. They have been consolidated, to focus more precisely upon what this invention is about, and specifically what and how the invention is utilized, for the fabrication of a closed aqueous type container, that may be used as a toy, a gift, or even a medical product. Nevertheless, the product is of a closed environment, and one that is the intention to prevent its freezing, as for example, as with a toy that may be shipped from a cold environment, within containers, and is desired to prevent their freezing in transit, or when stored, or even during usage.

Thus, the examiner relies heavily upon the Roe et al. patent, as anticipatory prior art, one has to argue against such a rejection, in the first instance, since Roe is a foamed type of treatment to solid particles such as coal and mineral ores, to inhibit their freezing, and to facilitate their handling and transport, particularly in sub-freezing climates. Hence, a foamed composition, for spraying onto particulate matter, it would appear, in the first instance, is quite remote from the subject matter of this current invention. Applicant's invention is a closed container, whether it be a toy, a gift, pillow, or any other product, wherein it is desired to prevent freezing of the sealed contents, which is always in an aqueous type of solution, and has nothing to do with a spray on composition, in the manner of a foam, to prevent particulate matter such as coal from freezing and adhering or lumping, in the first instance.

The same can be said with respect to the patented invention of Bloomer, wherein Bloomer simply teaches a deicing/anti-icing composition, such as one that may be sprayed onto a road surface, or other surface, or even objects, in order to prevent the accumulation of snow and ice. Once again, this is not the environment of applicant's invention, which is to prevent the freezing of an aqueous solution that is embodied within a closed environment, such as in a toy, gift, etc., as previously reviewed.

Finally, the patent to Simendinger III, et al., is also upon an anti-icing composition. This particular composition, as can be noted, is a type of substrate that may be applied to an airplane wing, to coat it, for anti-icing purposes, which is really quite remote from the concept of this current invention.

The foregoing being said, please note that the claims 1-13 have been cancelled, and consolidated, to focus more specifically upon the particular ingredients of this current invention, and for the use for which the invention has been formulated. That is, for use in a closed container, that embodies an aqueous solution, containing an antifreeze agent, of a specific type, for use for preventing freezing therein, as previously referred to. As the examiner states, Roe really relates to a freeze control agent, of the foam type, that includes surfactants, primarily for the purpose of providing wetting of the agent upon any granular material, such as coal, apparently to prevent their freezing and clumping. Roe does not disclose, it is submitted, the types of ingredients as enumerated by applicant in claim 16, nor necessarily at the percentages as outlined, and claimed, and more importantly, neither can Roe function for the purpose of applicant's invention, and that is to prevent freezing of an aqueous solution that is in a closed environment or container, in the first instance. From that standpoint, it is submitted that a random selection of ingredients as disclosed in Roe, do not necessarily anticipate applicant's composition, much less cover anything shown that Roe could function, as in applicant's claimed setting, and to achieve the results desired from this invention.

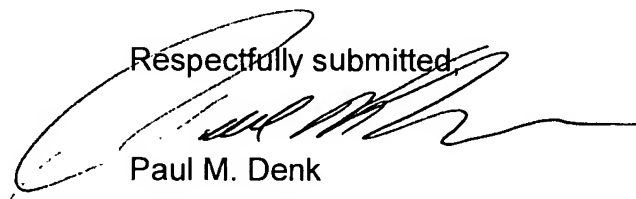
The examiner also has rejected claims 1-4 and 6-14, under section 103, as being unpatentable over Roe et al., in view of Bloomer. Roe is just not used for applicant's invention, as previously stated. Furthermore, Bloomer is the deicing composition, which is not the subject matter of applicant's invention, in the first instance. As the examiner states, Bloomer discloses an anti-icing and deicing composition, that includes a sugarcane or molasses, which in that particular setting, as described in Bloomer, is intended to inhibit a generation of corrosive properties to the surfaces of the equipment being treated, whether it be a road surface, a wing of an airplane, or the like. Applicant does not use

sugarcane or molasses within its composition, to prevent corrosion, but rather, as the claim states, his sweeteners are provided at very specific rates by weight of the composition to help reduce the temperature at which the aqueous solution, containing the agent, freezes, to function as an antifreeze agent, rather than as a corrosion inhibitor. Thus, it is not believed that Bloomer teaches in the direction of applicant's invention, even should Bloomer be used to modify Roe, which also does not teach in the direction of applicant's antifreeze agent, in the first instance. See, for example, the case of *In re Geiger*, 815 Fed. 2<sup>nd</sup> 686 (Fed. Cert. 1987). In this case, the court stated that obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. It appears that the examiner is applying prior art that is reasonably unrelated to what applicant is doing, does not suggest towards the invention, and therefore, just should not be as persuasive or applicable in rendering applicant's invention obvious, to one skilled in the art, and so does not relate to contained type aqueous fluids and methods of applying antifreeze ingredients therein.

The examiner has also rejected claims 1, 5 and 15. 1 and 5 have been consolidated into newly amended claim 16, and claim 15 has been rewritten as claim 18. And, claim 15 now adds its dependency upon the newly added claim 16. In addition, as previously reviewed, Simendinger does not relate to antifreeze added to a liquid within a closed environment, but rather, it relates to an anti-icing composition. And, this is a type of composition that can be applied to aircraft engines and wings, to act as an anti-icing composition, rather than an antifreeze ingredient, as previously reviewed. Hence, it is believed that Simendinger does not suggest toward the invention. See *In re Geiger*, supra.

The examiner's further review of the amended claims of this application would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul M. Denk

PMD/tw  
Enclosure